



One Meating Place P. O. Box 269 Elizabethtown, PA 17022  
Phone: (717) 367-1168 Fax: (717) 367-9096  
E-mail: aamp@aamp.com Website: www.aamp.com

RECEIVED  
SEP 11 3:33

2717

September 10, 2001

FSIS Docket #97-013P  
US Department of Agriculture  
Food Safety & Inspection Service  
Room 102 Cotton Annex Building  
300 12<sup>th</sup> Street SW  
Washington, DC 20250-3700

97-013P-2717  
97-013P  
Bernard F. Shire

**RE: Proposed Rule: Performance Standards for the Production of Processed Meat and Poultry Products**

The **American Association of Meat Processors (AAMP)** is an international trade association with members in the United States, Canada and several foreign countries. Our members are meat and poultry processors, slaughterers, wholesalers, retailers, caterers, home food service companies and suppliers/consultants to the industry. Most of our members are very small, small and medium-sized businesses, many of them family-owned.

On February 27, 2001, FSIS published proposed regulations amending the Federal meat and poultry inspection regulations that would establish food safety performance standards for all Ready-To-Eat (RTE) and all partially heat-treated meat and poultry products. The proposed performance standards would set forth levels of pathogen reduction and limits on pathogen growth that official establishments would need to achieve in order to produce unadulterated products. At the same time, the rule would allow the use of customized, plant-specific processing procedures. The proposal would also require plants to begin testing their Ready-To-Eat products for *Listeria monocytogenes*, unless they begin using a HACCP Critical Control Point at the end of their production process, particularly at the packaging stage.

The proposed RTE performance standards would apply to all RTE meat and poultry products characterized as follows: Dried products, such as beef or poultry jerky; salt-cured products, such as country ham; fermented products, such as salami or Lebanon bologna; cooked products, such as beef and chicken burritos, corned beef pastrami, poultry rolls and turkey franks; and thermally processed commercially sterile products, like canned spaghetti with meat balls, and canned corned beef hash.

## **Page 2...AAMP Comments on Performance Standards for Processed Products**

On July 3, USDA extended the period of time for comments to be made on the proposal to September 10, since the Agency asked for a great deal of scientific and economic data from trade organizations. Also, trade associations, including AAMP, asked for more time in order to review the draft compliance guidelines for the regulation, released at public meetings on the proposal held in May. AAMP appreciates that additional time.

In limited discussions that AAMP and USDA have had during the rule's comment period, because of Agency restrictions while a rule is out for comment, a number of questions have been raised. They include the following:

- 1) How would this proposal affect small business?
- 2) The economic effects of this proposed rule.
- 3) How plants making small amounts of numerous products would be affected by the rule, vs. large plants making only one or two products.
- 4) What guidelines FSIS could formulate to help small and very small plants comply with the rule.

### **Extensive FSIS Regulations Would Hurt Ability of Small Plants Making Ready-To-Eat- Products to Continue in This Business**

If this proposal comes to pass as is, the regulation will hurt the ability of small and very small meat and poultry plants to successfully produce Ready-To-Eat meat and poultry products. This proposal would create major economic difficulties for AAMP members and other small and very small meat processing businesses. The draft guidelines that USDA proposed will not be of much assistance as they now are to small plants in complying with these regulations. If there is going to be a regulation of some kind establishing performance standards for Ready-To-Eat products, and if small plants are to comply with these or similar regulations successfully, there need to be other, more simple guidelines published that would help small plants achieve the performance standards dictated by whatever kind of regulation USDA finally adopts.

Many small and very small meat and poultry processors do "a little bit of this and a little bit of that." That has always been the strength of their businesses. For example, they may make a lot of fresh meat products. They may grind ground beef and turkey. They may cut steaks, pork loins, and other fresh products. Then they may also produce a lot of work processed products. They may make hams, bologna, jerky, and they may make a large amount of many different kinds of sausages.

What this means is that small and very small plants tend to make a lot of processed meat products, where larger plants tend to specialize in the area or another, often in fresh products, steaks, etc. But a lot of small plant operators are sausage-makers. They may make a lot of seasonal or ethnic products. People making those kinds of products will be extremely vulnerable to the requirements in this proposed regulation.

### **Page 3...AAMP Comments on Performance Standards for Processed Products**

Particularly to the requirement of increased testing for *Listeria monocytogenes* for plants that are not already controlling that pathogen as part of their HACCP plans. To control *Lm* as part of HACCP would require a Critical Control Point (CCP) after the kill step. Unless you're talking about irradiation, or some other process that costs a lot of money, what kind of CCP could there be that would be affordable by small plants? Testing requirements and performance standards covering *Salmonella* and *E. coli* O157:H7 would also affect the small and very small plants.

The testing requirements will be costly for small and very small plants to carry out. Very small plants would have to test once a month per HACCP line, while small plants would have to test twice a month per HACCP plan. These costs would hurt the economic operations of the small industry a great deal. Also, requirements for small plants to "hold" relatively large amounts of product (for them) while being tested would result in a lack of product to ship to customers. That requirement illustrates a basic lack of understanding and familiarity with the small industry.

In contrast, large plants will be able to cope with the testing requirements easily. A large number of small and very small plants have told AAMP that if they are forced to comply with this requirement, they will leave either USDA or state inspection, and move to operate on a retail-exempt basis. AAMP does not want to see that happen, because AAMP thinks meat inspection is beneficial to both meat plants and to the consumers that buy their products.

### **Proposed Rule Could Result In More Concentration In Meat Industry**

If small and very small meat processors are forced out of business or out of inspection because of the demands of this rule, this will result in only a few large companies making these kinds of products. It will also result in more concentration in the meat and poultry industry, with small, family-owned businesses driven out, and only large corporations surviving.

For example, many small meat and poultry processors are concerned about the shelf life that products are subjected to after they lose control of the product. When small processors keep control of products they make, the products are designed for a fairly limited period of time. But when products are manufactured for retail establishments that keep products on the shelves for a fairly long period, or retailers that for one reason or another may lose control of the time the product is on the shelf, or the original manufacturer has no control over the shelf time period, problems can arise in both the quality and the safety of the product. It can be difficult for the small manufacturer to "prove" that the kill step or cooking requirements have been met.

This kind of regulation is going to hasten along the death of small meat processors, of small businesses. Because the very small Ready-To-Eat processor won't be able to

## **Page 4...AAMP Comments on Performance Standards for Processed Products**

comply with all the amount of testing that will be demanded by this rule, in order to insure that his or her business is complying with the performance standards dictated. So the small processor will be forced to make a choice, and that choice will be to eliminate many of his products, particularly in the Ready-To-Eat area.

What will be lost? The uniqueness of the small processors and their products. Consumers won't have the choice any more to go to a small processor or to a small retailer and have the opportunity to choose among many types of luncheon meats or sausage, for example. Instead, they'll be forced to go to a large supermarket and buy from a few generic brands that are all the same. Why? Because of a regulation like this, the small processor will be forced to eliminate many of his products, because he can't afford to make many of the products that he used to. That's because he can't afford to run sample tests on all the products, like USDA would like him to do. So, he does the mathematics, and cuts back the number of products to what he can afford.

Another problem is that in order to meet the standards in this proposed rule, processors are going to have to change how they make products. Why should different products have to be cooked the same way, in order to meet the same standards? You don't cook a roast beef the same way you cook a ham. Yet that's what USDA is asking for as part of this rule, unless the Agency makes some changes in what it's proposing as part of guidelines for complying with the rule.

For example, when small processors make hams, they use salt and nitrite as part of the process. They should be taken into account when setting guidelines for the rule, but right now, it's not. Also the fact that clostridium perfringens is not prevalent in pork, but the proposed regulation is being set up as if it is a prevalent danger.

### **USDA Has Its Numbers Wrong**

AAMP also has great concerns about the "economic impact" study that USDA has done to justify the proposed regulation. We are not convinced from the study that USDA has done that the Agency has come up with the evidence to justify the rule. For example, at the meeting USDA sponsored back in May, 2001 to discuss the proposed regulation, the FSIS economic presenter said that about 6,000 plants would be affected by the new rule. This number represents the number of USDA inspected plants.

The presenter was not aware that an additional 2,500 plants state inspected plants also operate. These plants operate in 26 states under "equal to" state inspection – their inspection is considered "equal to" or the "same as" USDA inspection. They have to follow USDA inspection rules, so the state inspection programs would carry out this regulation. So that brings the number to 8,500 plants. Because virtually all the state inspected plants are either small or very small, most of them make processed products, and so would have to operate under this new rule, if it is approved.

## Page 5...AAMP Comments on Performance Standards for Processed Products

The cost estimates of the regulation that USDA included as part of the proposal are only a fraction of what the real costs would be. Multiply these costs by 10 times, and you're getting closer to an accurate figure of what it would cost small and very small plants to put this rule into implementation.

### Compliance Guidelines Need To Be Simpler

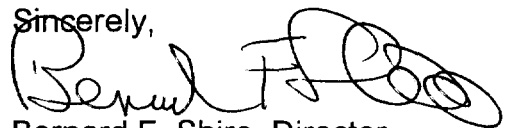
The goal of the *Draft Compliance Guidelines for Ready-to-Eat Meat and Poultry Products* is to help an establishment meet the requirements of the regulation. Unfortunately, the Draft Guidelines are extremely complex, and will be difficult for small and very small plant operators to follow. They need to be simplified, in order that plant owners and operators would be able to carry them out. AAMP would be happy to work with FSIS to help develop guidelines that would be easier to follow.

We're also concerned that this kind of rule, by spelling out the performance standards to be followed, seems to be moving meat and poultry inspection away from HACCP, and back toward the old "command and control" inspection that used to take place before the development of HACCP. Is that a step forward or backward?

Except for the canning requirements, which are going in the wrong direction. We do not understand the intent of the regulation section that would require all thermally-processed, commercially sterile meat and poultry products to be processed to either eliminate or control the growth of *C. botulinum*, depending on what the pH of product is, or other factors. Right now, thermally-processed, commercially sterile (canned) meat and poultry products must be processed under strong command and control guidelines that have been in place for many years to prevent this rare, yet deadly toxin. There's nothing wrong with these command and control regulations, they've provided a great deal of safety. In this case, we don't see any reason for the Agency to change that.

We appreciate the opportunity to offer these comments. If you would like more information about our concerns about this issue, please get in touch with us., and we would be happy to give you additional information.

Sincerely,



Bernard F. Shire, Director  
Legislative & Regulatory Affairs

cc: Gary Baysinger, AAMP President